

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Jamie Payne,

Case No. 3:23-cv-849

Plaintiff,

v.

ORDER

Meijer Stores Limited Partnership, *et al.*,

Defendants.

On May 8, 2023, I ordered Plaintiff Jamie Payne to supplement the Complaint by filing an affidavit of jurisdiction on or before July 15, 2023. (Doc. No. 5). In this Order, I detailed the required contents of the affidavit. Specifically, I ordered Payne to “identify all general and limited partners of Defendant Meijer Stores Limited Partnership” and “state jurisdictional allegations sufficient for me to determine the citizenship of each general and limited partner.” (*Id.* at 2).

The next day, Payne filed a supplement restating assertions made by Meijer Stores Limited Partnership in a Disclosure Statement filed in the United States District Court for the Eastern District of Kentucky on May 4, 2023. (Doc. Nos. 6 and 6-1). Specifically, citing the Disclosure Statement as Exhibit 1, Payne states, in part:

5. [Meijer Stores Limited Partnership]’s partnership is comprised of itself and its incorporated general partner, the Meijer Group, Inc. *Id.*

6. [Meijer Stores Limited Partnership] is formed and organized under the laws of the state of Michigan and has a principal office located at 2929 Walker Avenue, N.W., Grand Rapids, Michigan 49544. *Id.*

7. Meijer Group, Inc. is also organized under the laws of the state of Michigan and also maintains a principal office located at 2929 Walker Avenue, N.W., Grand Rapids, Michigan 49544; therefore, Meijer Group, Inc. is a citizen of Michigan. *Id.*

8. As explicitly outlined in the filing contained in *Exhibit 1*, [Meijer Stores Limited Partnership]’s citizenship - as determined by its own citizenship and the citizenship of its general partner - is Michigan. *Id.*

(Doc. No. 6 at 1-2).

While I appreciate Payne’s efforts to swiftly comply with my Order and resolve this matter, I find further clarification is necessary. First, it is unclear to me how Meijer Stores Limited Partnership can be “comprised of itself.” And second, although the Disclosure Statement acknowledges, “for purposes of diversity, a limited partnership carries the citizenship(s) of each Partner,” (Doc. No. 6-1 at 1), the Disclosure Statement and, in turn, Payne’s supplement, seem to suggest the citizenship of Meijer Stores Limited Partnership is at least affected, if not determined, by its place of formation, organization, and principal office. That is not the case. Instead, as I explained in my previous Order, “a limited partnership is deemed to be a citizen of every state where its general *and* limited partners reside.” *Hooper v. Wolfe*, 396 F.3d 744, 748 (6th Cir. 2005) (emphasis in original).

With this, I again order Payne to file an affidavit of jurisdiction on or before July 15, 2023. To be clear, this affidavit must list each and every general and limited partner of Meijer Stores Limited Partnership. If any of those partners is itself an unincorporated entity, Payne must also list that partner’s sub-“members” (e.g., if the entity is an LLC, Payne must identify each member and sub-member of the LLC). Payne shall then state jurisdictional allegations sufficient for me to determine the citizenship of each and every general and limited partner (e.g., the domicile of individuals, the place of incorporation and principal place of business of corporations). Again, jurisdictional allegations must be stated for every sub-“member” of an unincorporated partner, as well. *See, e.g., Meyerson v. Harrah’s E. Chicago Casino*, 299 F.3d 616, 617 (7th Cir. 2002) (“[T]he

citizenship of unincorporated associations must be traced through however many layers of partners or members there may be.”).

In drafting this affidavit, I request that Payne not abbreviate the name of any entity to “Meijer” alone, but instead state the full name of each Meijer entity any time one is referenced. Finally, as Meijer Stores Limited Partnership is now represented, I urge counsel for the parties to work collaboratively in acquiring this information and drafting the affidavit so jurisdiction can be verified as soon as possible.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge